



County of Los Angeles
CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

May 19, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

RESPONSE TO THE FEBRUARY 9, 2010, BOARD INSTRUCTION REGARDING FEDERAL BUREAU OF INVESTIGATION CRIMINAL BACKGROUND CHECKS

On February 9, 2010, Supervisor Knabe instructed the Chief Executive Office to report back on whether certain employee classifications should include Federal Bureau of Investigation (FBI) background checks; identify which classifications would be subject to the FBI background checks; and to provide a cost estimate associated with the extra procedure.

In a previous order on August 4, 2009, your Board directed the (then acting) Director of Personnel to immediately implement all of the provisions of a new resolution on criminal background checks, including federal access, for the most highly qualified executive recruitment candidates. For all other workers on sensitive positions, the background check remained limited to State and local summary criminal history information, with the exception of those employed by the District Attorney, Probation, and Sheriff, which have long-standing background programs that include a FBI review.

A sensitive position is defined as any position involving duties which pose a potential threat or risk to the County or to the public when performed by persons who have criminal history incompatible with those duties, whether those persons are employees of the County or perform those services pursuant to contract. With the exception of two student workers, departments have identified all County positions as sensitive.

A feasibility study has been conducted to determine if the federal level review should be expanded to all employees, volunteers, and contractors. To make that determination, consideration was given to the fact that many individuals employed by the County have previously lived, worked, or visited states other than California. Additionally, there are contract personnel that provide services to or on behalf of the County who currently reside in other states. Consequently, there is a possibility that these individuals may have criminal convictions outside of California which are incompatible with County work assignments and for which the

#11 of
2/9/10 - final
and
#52-B of
9/22/09 - status

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County may be unaware due to the current limitation of our background check program to State and local searches. Therefore, to ensure a comprehensive criminal history check is obtained and to better ensure that County workers' personal backgrounds meet hiring guidelines, it is recommended that the current review be expanded to the federal-level for all potential and current employees (represented and non-represented), volunteer workers, and contract personnel who work in sensitive positions and are subject to the County's Live Scan provisions. This recommendation will be incorporated into the larger Live Scan feasibility study which is currently underway.

The one-time cost to implement the expansion of the criminal background check program to a federal-level review is estimated at \$4.2 million. This estimate is based on the Department of Justice (DOJ) fees for conducting the background checks. It includes the costs for the State and local checks for current employees and volunteers, even if they were previously fingerprinted, because the DOJ does not conduct FBI-only checks. The DOJ requires any federal level checks to include the State and local searches, even if there is one on record, for which there is an additional charge. The cost estimate does not include any other administrative costs, such as fees charged by agencies who fingerprint the applicants, equipment-related expenses, or new staff that may be required as a result of the expansion of the criminal background check program. It also does not include the fees for the State and local checks for volunteers and employees who are new hires, promotions, and transfers, as those fees are currently budgeted in each department.

Contractors cannot be compelled to undergo fingerprinting if that requirement has not been included as a provision in their contracts. While it is recommended that any new solicitations include the expanded provision for a federal-level review, it is difficult to determine what portion of the background check expenses the contractors may pass through to the County.

Detailed findings from the completed feasibility study would be submitted to your Board via a confidential memorandum from the County Counsel due to the sensitive nature of the information contained in the study.

If you have any questions, please have your staff contact Ellen Sandt, Deputy Chief Executive Officer at (213) 974-1186 or esandt@ceo.lacounty.gov, or they may also contact Lisa Garrett, Director of Personnel, at (213) 974-2406 or lgarrett@hr.lacounty.gov.

WTF:ES
LMG:SKT:
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c: Executive Office, Board of Supervisors
County Counsel
Human Resources